

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 2nd day of August, 2006.

By: _____



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David CHIEN et al.

Title: DEVICE AND METHOD FOR IN-LINE BLOOD TESTING USING BIOCHIPS

Application No.: 10/733,767

Confirmation No.: 9347

Filing Date: December 12, 2003

Art Unit: 1641

Examiner: Ann Y. Lam

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed July 3, 2006, *Applicant hereby elects Group I (claims 1-39) for examination.*

The Examiner has required restriction between Group I (claims 1-39, product claims), drawn to a device and a system for in-line screening of blood; and Group II (claims 40-55, process claims), drawn to a method of in-line screening of blood. Applicant understands that, according to MPEP § 821.04, where we elect the product claims, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product will be rejoined. Applicant believes that all the pending process claims (claims 40-55) recite all the limitations of claim 1 in Group I, a product claim. Therefore, once the product claims of Group I are found to be allowable, Applicant respectfully requests rejoinder of the process claims of Group II.

Applicant believes that no fees are due with this response. If that is not the case, the Commissioner is hereby authorized to charge any fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 03-1664. Additionally, if any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §§ 1.136 and authorize payment of any extension fees to Deposit Account No. 03-1664. This however is not an authorization to pay the issue fee.

Respectfully submitted,

Date: 8-2-06

By: Marcella Lillis

Novartis Vaccines and Diagnostics, Inc.
Corporate Intellectual Property – R-338
Emeryville, California 94662-8097
Phone: (510) 923-8406 Fax: (510) 655-3542

Marcella Lillis
Attorney for Applicant
Registration No.: 36,583